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March 21, 2019

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

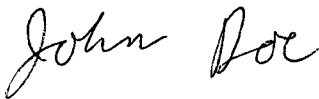
RE: Civil Action No. 1:18-cv-10956-JMF

Dear Judge Furman:

I would like to submit further clarification of the definition of Registration Date for copyrights. Please find attached page 5 from the Copyright Office's Circular 1 – Copyright Basics, which clearly defines what is the effective date of registration for a work and how it differs from the date when the Copyright Office approves and issues a certificate of registration¹.

Based upon this definition and the absence of registration numbers when the Plaintiff filed the original complaint, I believe the Copyright Office approved and issued the certificates of registration after November 23, 2018.

Sincerely yours,



John Doe

Attachment: Page 5 of Copyright Basics by the Copyright Office

¹ <https://www.copyright.gov/circs/circ01.pdf>

Benefits of Registration

Registration establishes a claim to copyright with the Copyright Office. An application for copyright registration can be filed by the author or owner of an exclusive right in a work, the owner of all exclusive rights, or an agent on behalf of an author or owner. An application contains three essential elements: a completed application form, a nonrefundable filing fee, and a nonreturnable deposit—that is, a copy or copies of the work being registered and “deposited” with the Copyright Office. A certificate of registration creates a public record of key facts relating to the authorship and ownership of the claimed work, including the title of the work, the author of the work, the name and address of the claimant or copyright owner, the year of creation, and information about whether the work is published, has been previously registered, or includes preexisting material.

You can submit an application online through www.copyright.gov or on a paper application. For more information on registering a work with the Copyright Office, see *Copyright Registration (Circular 2)*.

In addition to establishing a public record of a copyright claim, registration offers several other statutory advantages:

- Before an infringement suit may be filed in court, registration (or refusal) is necessary for works of U.S. origin.
- Registration establishes prima facie evidence of the validity of the copyright and facts stated in the certificate when registration is made before or within five years of publication.
- When registration is made prior to infringement or within three months after publication of a work, a copyright owner is eligible for statutory damages, attorneys’ fees, and costs.
- Registration permits a copyright owner to establish a record with the U.S. Customs and Border Protection (CBP)³ for protection against the importation of infringing copies.

Registration can be made at any time within the life of the copyright. If you register before publication, you do not have to re-register when the work is published, although you can register the published edition, if desired.

Effective Date of Registration

When the Copyright Office registers a work it assigns an effective date of registration to the certificate of registration. ~~The effective date of registration is the day that the Office receives in proper form all required elements—an acceptable application, an acceptable deposit, and a nonrefundable filing fee.~~ The date is not set until all the required elements are in the Office’s possession. If the Office receives incomplete materials, an unacceptable deposit, or an insufficient fee, the effective date of registration will be set on the date that the Office receives all the required materials in acceptable form. ~~The date is not based on how long it takes the Office to examine the materials or mail the certificate of registration.~~

You do not have to receive your certificate of registration before you publish or produce your work. Nor do you need permission from the Copyright Office to place a copyright notice on your work. ~~But the Copyright Office must approve or refuse your application before you can file a lawsuit for copyright infringement,~~ except in cases involving a foreign work. You may seek statutory damages and attorneys’ fees in an infringement action provided that the infringement began *after* the effective date of registration. The law, however, provides a grace period of three months after publication during which full remedies can be recovered for any infringement begun during the three months after publication if registration is made before this period ends.